Docket No.: 066671-006

PATENT PATENT

STATES PATENT AND TRADEMARK OFFICE

Applicant

Wahl, Geoffrey M., et al.

Customer No.: 41552

Appl. No.

09/229,229

Confirmation No.: 7340

Filed

January 12, 1999

Title

COMPOSITIONS AND METHODS FOR

TREATING CELLS HAVING DOUBLE

MINUTE DNA

Grp./A.U.

1642

Examiner:

Holleran, Anne L.

CERTIFICATE OF MAILING (37 CFR. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail as First Class Mail under 37 lope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 18, 2004.

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Information Disclosure Statement in the above-identified application.

Also attached:

PTO-1449 - Information Disclosure Listing of References

European Search Report mailed August 26, 2004.

4 References

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 502624, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

David A. Gay

Registration No. 39,200

4370 La Jolla Village Drive, Suite 700

San Diego, CA 92122 858.535.9001 DAG:cec Facsimile: 858.597.1585

Date: November 18, 2004

IN THE UNITED STAT PATENT AND TRADEMARK OFFICE

Applicant

Docket No.: 066671-0061

Wahl, Geoffrey M., et al.

Customer No.: 41552

Appl. No.

: 09/229,229

Confirmation No.: 7340

PATENT

Filed

January 12, 1999

Title

COMPOSITIONS AND METHODS

FOR TREATING CELLS HAVING

DOUBLE MINUTE DNA

Grp./A.U.

1642

Examiner: : Holleran, Anne L.

CERTIFICATE OF MAILING (37 CFR. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nov 18, 2004.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

Serial No.: 09/229,229

CERTIFICATION PARAGRAPH

The indersignal certifies that, to the best of his knowledge, each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement as described in 37 CFR 1.97(e)(1).

Each English language reference was cited in a corresponding foreign application search report or office action and its relevance discussed therein. A copy of the foreign search report or

office action is attached for the Examiner's information.

Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit

account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

David A. Gay

Registration No. 39,200

4370 La Jolla Village Drive, Suite 700

San Diego, CA 92122

858.535.9001 DAG:cec

Facsimile: 858.597.1585 **Date: November 18, 2004**

SDO 22038-1.066671.0061

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		chro	KARASAWA et al., "Detection of c-MYC oncogene amplifications in CML blastic phase patients with double minute chromosomes," <u>LEUKEMIA RESEARCH</u> , 20(1):85-91, New York, NY (1996)								
		OHY. evolu	OHYASHIKI et al., "Double-Minute chromosomes appearing in a patient with myelodysplastic syndrome with disease evolution," <u>CANCER GENETICS AND CYTOGENTICS</u> , 79(2):169-172, Elsevier Science Publishing, New York, NY (1995)								
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.